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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,179	02/08/2002	Yasuo Fujikawa	3688ME-34	7859

7590 06/28/2004

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EXAMINER

WATKO, JULIE ANNE

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 06/28/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,179

Applicant(s)

FUJIKAWA, YASUO

Examiner

Julie Anne Watko

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 3,4 and 6-10 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2 and 5 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2,7</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species A, drawn to Figs. 1-3, in the reply filed on June 14, 2004, is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 3-4 and 6-10 are withdrawn from consideration as drawn to non-elected species. Claims 1, 2 and 5 are hereby examined on the merits. No claim is generic.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on July 24, 2000. It is noted, however, that no copy of the certified Japanese application appears in the record.

Drawings

4. The proposed drawings were received on June 14, 2004. These proposed drawings are disapproved. The proposed drawings fail to **separately label separate figures** (e.g. Fig. 1(a), Fig. 1(b), etc.).

5. Objections to the drawings are outstanding. See paper no. 5, mailed May 11, 2004.

6. In order to avoid abandonment, the drawing informalities noted in paper no. 5, mailed on May 11, 2004, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper.

Specification

7. The disclosure is objected to because of the following informalities: The specification fails to **refer separately to separate figures** (e.g. Fig. 1(a), Fig. 1(b), etc.).

Appropriate correction is required.

Claim Objections

8. Claim 5 is objected to as being in improper form because it depends from claim 1, claim 2 or claim 3, wherein claim 3 has been withdrawn without traverse.

Appropriate correction is required.

9. Claims 1-2 and 5 are allowed.

Conclusion

10. This application is in condition for allowance except for the following formal matters:
Non-elected claims 3-4 and 6-10 are pending. Applicant is advised to cancel the non-elected claims.

Objections to the drawings are outstanding.

Objections to the specification are outstanding.

An objection to claim 5 is outstanding.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Higashihara et al (US PAP No. 2002/0093888 A1) show an objective lens device

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with a protruding part 35 comprising "wind-around parts (end-attachment parts) 35a, 35a, 35b and 35b" (see ¶ 0048-0050, especially ¶ 0050; see also Fig. 3 and Fig. 8).

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Anne Watko whose telephone number is (703) 305-7742. The examiner can normally be reached on Monday-Thursday, 9AM-5PM, Friday 9AM-7:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Julie Anne Watko
Primary Examiner
Art Unit 2652

June 24, 2004
JAW

